

cc: Fiscal Section

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18 UNITED STATES DISTRICT COURT
19 FOR THE CENTRAL DISTRICT OF CALIFORNIA
20 WESTERN DIVISION

21 UNITED STATES OF AMERICA,

22 No. EDCV 15-01671 GW (KKx)

23 Plaintiff,

24 v.

25 320.00 ACRES OF LAND, MORE OR
26 LESS, SITUATE IN SAN BERNARDINO
27 COUNTY, STATE OF CALIFORNIA;
28 HEIRS OF DORIS WELLES CURTIS;
ALDEN CURTIS JACOBUS; BRUCE
ALDRON JACOBUS; JEANNIE D.
WELLES BETTCHER, TRUSTEE OF
THE REVOCABLE TRUST
AGREEMENT OF THOMAS E.
WELLES; ALDEN CURTIS JACOBUS;
BRUCE WALDRON JACOBUS; JEANNIE
D. WELLES BETTCHER, TRUSTEE OF
THE REVOCABLE TRUST
AGREEMENT OF THOMAS
E. WELLES; JEANNIE D. BETTCHER aka
JEANNIE D. WELLES BETTCHER;
BERTHOD BETTCHER; HAROLD L.
MAJOR aka HAL MAJOR; KATE
DICKERSON MAJOR; HEIRS OF
CAROLYN LURTON BELL; HEIRS OF
HARRIET LURTON MAJOR; PATRICIA
C. GOODGAME aka PATRICIA
GOODGAME BABB; OREN WYATT
BABB; MARGARET C.

AMENDED FINAL JUDGMENT

The Honorable George H. Wu

1 GIESENSCHLAG; CLYDE ALLEN
2 GIESENSCHLAG; SHIRLEY WELLES
3 RITCHIE aka SHIRLEY RITCHIE;
4 JENNIFER SEXTON O'NEILL LANE
5 aka JENNIFER LANE MORGAN;
6 MICHAEL FRANCES MORGAN;
7 JANICE A. CORY; MICHAEL JOSEPH
8 CORY; JENNIFER WELLS LANE;
9 SUSANNAH LANE aka SUSANNAH
10 LANE-SULLIVAN; ERIC STEVEN
11 SULLIVAN; and SAN BERNARDINO
12 COUNTY TAX COLLECTOR, et al.,
13
14 Defendants.

15 Based on the filed Stipulation of Settlement, Stipulation of Just Compensation and
16 Request For Entry of Final Judgment (“Stipulation”) entered into between Plaintiff
17 United States and defendants Randall Bell III, Harold Major as the Trustee of the Harriet
18 Ann Major Irrevocable Trust, Elizabeth Ann Welles, Bruce Jacobus, Jeanie Darlene
19 Bettcher as Trustee of the TE Welles Trust, Jeannie Darlene Bettcher as an individual,
20 Janice Arline Cory, Patricia Babb, Alden Jacobus, Margaret Giesenschlag, Jennifer
21 Morgan, Jennifer Welles Lane, Susannah Sullivan and Shirley Ritchie (“collectively
22 “Owners”), and good cause appearing therefor,

23 **IT IS ORDERED, ADJUDGED AND DECREED that:**

24 1. Plaintiff shall and hereby does have the fee interest in approximately 320.00
25 acres of real property in San Bernardino County, California, which is legally described
26 as: The North one-half of Section 36, Township 11 North, Range 3 East, San
27 Bernardino Meridian, in the County of San Bernardino, State of California, according to
28 the Official Plat thereof (“Subject Property”), as stated in the Declaration of Taking filed
herein (Dkt. #11). The Subject Property is also known as San Bernardino County
Assessor’s Parcel Number 0540-161-04-0000, containing 320.00 acres, more or less.
The United States will take title to the Subject Property in fee simple, which title,
however, is subject to existing easements for public roads and highways, public utilities,
railroads, pipelines, and to the right of the people to fish upon the Subject Property as
reserved in the Patent from the State of California.

1 2. The total just compensation payable by the United States to the Owners for
 2 the taking of the Subject Property, together with all improvements thereon and
 3 appurtenances thereunto belonging, in fee simple, shall be the sum of Two Hundred and
 4 Seven Thousand Dollars and No Cents (\$207,000.00), inclusive of interest, attorneys'
 5 fees, costs and any outstanding taxes ("Deposit").

6 3. The proportionate interests of the Owners and the amounts payable to each
 7 of them from the Deposit are as follows:

Owner's Name	Percentage Interest	Amount
A. Randall Bell III	25.00%	\$51,750.00
B. Harold Major as Trustee of the Harriet Ann Major Irrevocable Trust	25.00 %	\$51,750.00
C. Elizabeth Ann Welles	12.50%	\$25,875.00
D. Bruce Jacobus	12.50%	\$25,875.00
E. Jeanie Darlene Bettcher Trustee of the TE Welles Trust	12.50%	\$25,875.00
F. Jeannie Darlene Bettcher	1.38889%	\$2,875.00
G. Janice Arline Cory	1.38889%	\$2,875.00
H. Patricia Babb	1.38889%	\$2,875.00
I. Alden Jacobus	1.38889%	\$2,875.00
J. Margaret Giesenschlag	1.38889%	\$2,875.00
K. Jennifer Morgan	1.38889%	\$2,875.00
L. Jennifer Welles Lane	1.38889%	\$2,875.00
M. Susannah Sullivan	1.38889%	\$2,875.00
N. Shirley Ritchie	1.38889%	\$2,875.00
TOTAL	100%	\$207,000.00

27 4. The United States filed a Complaint in Condemnation on August 18, 2015
 28 (Dkt. #1), filed the Declaration of Taking on August 31 2015 (Dkt. #11), and deposited

1 the Deposit with the Clerk of Court on August 19, 2015 (Dkt. #6). Upon making the
2 Deposit into the Registry of the Court, fee title to the Subject Property, as set forth in the
3 Declaration of Taking, vested in the United States.

4 5. The Deposit shall be full and just compensation and in full satisfaction of
5 any and all claims of whatsoever nature against the United States by reason of the
6 institution and prosecution of this action and taking of the Subject Property and all
7 appurtenances thereunto belonging in fee simple

8 6. The Deposit shall be subject to all liens, encumbrances, and charges of
9 whatsoever nature existing against the Subject Property at the time of vesting of title
10 thereto in the United States and all such taxes, assessments, liens and encumbrances shall
11 be payable by the Owners.

12 7. The Owners warrant that on the date of taking they had exclusive right to
13 their proportional interest in the Deposit, excepting the interest of parties having liens or
14 encumbrances of record and unpaid taxes and assessments, if any. The Owners further
15 warrant that no other person or entity is entitled to the receive compensation for the
16 Subject Property other than those listed in paragraph 2 above. In the event that any other
17 person or entity is ultimately determined by a court of competent jurisdiction to have any
18 right to receive compensation for the Subject Property, the Owners shall refund into the
19 Registry of the Court the compensation distributed herein, or such part thereof as the
20 Court may direct, with interest thereon calculated in accordance with the provision of 40
21 U.S.C. § 3116, from the date of the receipt of the deposit by the Owners to the date of
22 their repayment into the Registry of the Court.

23 8. The parties shall be responsible for their own legal fees, costs, and expenses
24 (including attorneys' fees, consultants' fees, and any other expenses).

25 9. Upon the entry of the Final Judgment, the parties may seek immediate
26 distribution of the Deposit, together with any interest earned thereon while on deposit, if
27 any.

1 10. The Owners shall save and hold harmless the United States of America
2 from all claims or liability resulting from any unrecorded liens, leases or agreements
3 affecting the Property on the date of taking.

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5 DATED: October 3, 2016



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7 GEORGE H. WU, U.S. DISTRICT JUDGE

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16 Respectfully submitted,

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18 EILEEN M. DECKER

19 United States Attorney

20 DOROTHY M. SCHOUTEN

21 Assistant United States Attorney

22 Chief, Civil Division

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24 ROBYN-MARIE LYON MONTELEONE

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28

24 /s/

25 JONATHAN B. KLINCK

26 Assistant United States Attorney

27

28 Attorneys for Plaintiff

United States of America